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**Cc:** Setnicar, Mary[setnicar.mary@epa.gov]; Valentino, Michael[valentino.michael@epa.gov]  
**From:** Lee, Jae  
**Sent:** Wed 4/12/2017 4:10:11 PM  
**Subject:** Tradebe exemption issue status

Gary,

Below is a short status summary of Tradebe's exemption issue. Please let me know if you have any questions.

Mike, if there is anything to add, please let me know.

- In July 2016, Environmental Technology Council (ETC), a national trade association, requested to U.S. EPA a discussion of inconsistent compliance policies by different EPA Regions to Thermal Desorption Units (TDUs). ETC specifically challenges two TDUs operated by Tradebe Treatment and Recycling, LLC (Tradebe), East Chicago, Indiana.
- Tradebe is a waste management company operating under a RCRA permit subject to renewal by Indiana Department of Environmental management (IDEM). Historically, IDEM has exempted two TDUs at the facility per RCRA's recycling exemption at 40 C.F.R. § 261.6(c).
- ETC requested EPA to review the TDUs' exemption status in light of alleged similarities with a TDU in Rineco Chemical Industries of EPA Region 6 that was judicially determined to require a permit due to significant amounts of fuel blending and thermal destruction of hazardous wastes.
- ETC stated that it would consider a RCRA citizen's suit if Tradebe's TDUs remain un-permitted.
- EPA Region 5 was requested a fact finding work of Tradebe's TDU process. In December 2016, EPA Region 5 issued an information request letter to Tradebe for the mass balance data of the recycling process, and Tradebe submitted responses in March 2017.
- On March 3, 2017, IDEM issued a draft RCRA permit (without two TDU units) and the public comment period ends on April 17, 2017. As of today, ETC has not submitted review comments for the IDEM's draft RCRA permit.
- EPA Region 5 is in the process of reviewing all of the process data submitted by Tradebe and will have a face-to-face meeting with Tradebe on April 12, 2017. EPA Region 5 is also conducting close consultations with IDEM, EPA Region 6 and HQ for this permit exemption issue.
- Based on the review of the data submitted by Tradebe and the information gathered from meetings/calls with Tradebe, Region 6, and IDEM, EPA Region 5 would submit a memo (mostly fact-related) to HQ in early May 2017.